

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff

V.

AUDIBLE MAGIC CORPORATION

Defendant

AUDIBLE MAGIC CORPORATION,

Counterclaim Plaintiff

V.

BLUE SPIKE, LLC, BLUE SPIKE, INC.
and SCOTT A. MOSKOWITZ

Counterclaim Defendants

Civil Action No. 6:15-CV-00584-RWS-CMC

AUDIBLE MAGIC'S TRIAL WITNESS LIST

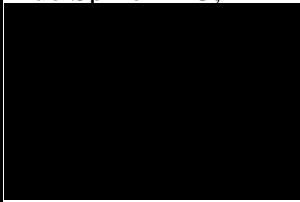
Defendant and Counterclaim Plaintiff, Audible Magic Corp. (“Audible Magic”), pursuant to the Court’s Docket Control Order entered in this case (D.I. 25), the Court’s Order Regarding Amended Pretrial Deadlines (D.I. 76) and Federal Rule of Evidence 26(a)(3)(A), serves this Trial Witness List for identification and categorization of trial witnesses.¹ Testimony that Audible Magic intends to admit through deposition designations is attached.

At this time, Audible Magic identifies the following witnesses for trial:

	WITNESS, employer, topic of testimony		WILL CALL	MAY CALL	MAY, BUT PROBABLY WILL NOT CALL
1.	VANCE IKEZOYE; Audible Magic; 985 University Ave Suite 35 Los Gatos, CA 95032 USA	Audible Magic’s counterclaims and defenses, matters related to unjust enrichment, inventorship, validity and ownership of the patents-in-suit, inequitable conduct, Audible Magic and Muscle Fish prior art, history of Audible Magic, history of Muscle Fish, Audible Magic damages	X		
2.	THOMAS BLUM; Audible Magic; 985 University Ave Suite 35 Los Gatos, CA 95032 USA	Audible Magic’s counterclaims and defenses, matters related to unjust enrichment, inventorship, validity and ownership of the patents-in-suit,	X		

¹ This witness list includes witnesses relevant to Audible Magic’s counterclaims of derivation and joint inventorship, unjust enrichment, inequitable conduct, Lanham Act violations and unfair competition, in view of the Court’s Report and Recommendation to grant summary judgment of non-infringement to Audible Magic, and in view of the fact that such moots Audible Magic’s substantive invalidity counterclaims, which may be disposed of provisionally, pending appeal. *See e.g. Nystrom v. Trex Co.*, 339 F.3d 1347 (Fed. Cir. 2003). Audible Magic fully reserves its right to supplement and amend this witness list pending any further development in this case.

	WITNESS, employer, topic of testimony	WILL CALL	MAY CALL	MAY, BUT PROBABLY WILL NOT CALL
3.	ERLING WOLD; Audible Magic; 985 University Ave Suite 35 Los Gatos, CA 95032 USA	X		
4.	DOUGLAS KEISLAR; Audible Magic; 985 University Ave Suite 35 Los Gatos, CA 95032 USA	X		
5.	JIM WHEATON; Audible Magic; 985 University Ave Suite 35 Los Gatos, CA 95032	X		

	WITNESS, employer, topic of testimony		WILL CALL	MAY CALL	MAY, BUT PROBABLY WILL NOT CALL
	USA	patents-in-suit, Audible Magic and Muscle Fish prior art			
6.	SCHUYLER QUACKENBUSH; Audio Research Labs; 336 Park Avenue, Suite 200 Scotch Plains, NJ 07090	Audible Magic counterclaims and defenses, damages to Audible Magic	X		
7.	ALAN RATLIFF; StoneTurn Group; One Shell Plaza 910 Louisiana Street, 49th Floor Houston, TX 77002	Matters related to Audible Magic counterclaims of unjust enrichment, Lanham Act claims, and inequitable conduct, matters related to validity of patents-in-suit	X		
8	SCOTT MOSKOWITZ; Blue Spike LLC; 	Audible Magic's counterclaims and defenses, matters related to unjust enrichment, inventorship, validity and ownership of the patents-in-suit, inequitable conduct, Audible Magic and Muscle Fish prior art, history of Audible Magic, history of Muscle Fish, Audible Magic damages	X		
9	MICHAEL BERRY; Adobe; 345 Park Avenue San Jose, CA 95110	Matters related to Audible Magic counterclaims of unjust enrichment, Lanham Act claims, and inequitable conduct, matters related to validity of patents-in-suit	X		

	WITNESS, employer, topic of testimony		WILL CALL	MAY CALL	MAY, BUT PROBABLY WILL NOT CALL
		(by deposition designation)			
10	PETER CASSIDY; Triarche Research Group; 38 Rice Street Suites 2-0/2-2 Cambridge, MA	Matters related to Audible Magic counterclaims of unjust enrichment, Lanham Act claims, and inequitable conduct, matters related to validity of patents-in- suit (by deposition designation)	X		
11	GREGG MOSKOWITZ; Interval Partners, LLC 30 Third Avenue, New York, New York, 10022	Matters related to Audible Magic counterclaims of unjust enrichment, Lanham Act claims, and inequitable conduct, matters related to validity of patents-in- suit (by deposition designation)	X		
12	ELLIOT MAZER; Left Turn Music; 901 South Main St Reidsville, NC 27320	Matters related to Audible Magic's defenses and counterclaims; prior art		X	
13	MICHAEL LANDEAU; eMag Solutions, LLC; 3495 Piedmont Road Bldg 11, Suite 820 Atlanta, GA 30305	Audible Magic and Muscle Fish prior art		X	
14	SHAMIR COLLOFF; Evolve Discovery; 611 Mission Street, 4th Fl. San Francisco, CA	Audible Magic and Muscle Fish prior art		X	

	WITNESS, employer, topic of testimony		WILL CALL	MAY CALL	MAY, BUT PROBABLY WILL NOT CALL
	94105				
15	ANDREAS SAPPELT; Advertising Search Engine GmbH, Königstr. 3422767 Hamburg, Germany	Matters related to Audible Magic's defenses and counterclaims; prior art		X	
16	MATT INGALLS; [REDACTED]	Matters related to Audible Magic counterclaims of unjust enrichment, Lanham Act claims, and inequitable conduct, matters related to validity of patents-in- suit (by deposition designation)		X	
17	JIM SCHREMPP; Audible Magic; 985 University Ave Suite 35 Los Gatos, CA 95032 USA	Audible Magic's counterclaims and defenses, matters related to unjust enrichment, inventorship, validity and ownership of the patents-in-suit, inequitable conduct, Audible Magic and Muscle Fish prior art, history of Audible Magic, matters related to Lanham Act and unfair competition counterclaims, Audible Magic damages			X
18	ROB WILLIAMS; Audible Magic; 985 University Ave Suite 35 Los Gatos, CA 95032 USA	Audible Magic's counterclaims and defenses, history of Audible Magic, matters related to Lanham Act and unfair competition counterclaims, Audible			X

	WITNESS, employer, topic of testimony	WILL CALL	MAY CALL	MAY, BUT PROBABLY WILL NOT CALL
		Magic damages		
19	CURTIS DOWDY; Audible Magic; 985 University Ave Suite 35 Los Gatos, CA 95032 USA	Audible Magic's counterclaims and defenses, history of Audible Magic, matters related to Lanham Act and unfair competition counterclaims, Audible Magic damages		X
20	PHILLIP ("FLIP") DIBNER	Matters relating to Audible Magic's defenses and counterclaims		X
21	TIM PERKIS	Matters relating to Audible Magic's defenses and counterclaims		X

Audible Magic reserves its rights to call rebuttal witnesses, as necessary, based on the testimony and evidence presented by Blue Spike LLC, Blue Spike Inc. and/or Scott Moskowitz. Defendants further reserve their right to call live, by video, or by deposition any witness on Blue Spike LLC, Blue Spike Inc. or Scott Moskowitz's witness list.

Dated: May 18, 2016

By:

/s/ Eric H. Findlay
Eric H. Findlay (Texas Bar No. 00789886)
Walter W. Lackey, Jr. (Texas Bar No. 24050901)
FINDLAY CRAFT, P.C.
102 N. College Ave, Suite 900
Tyler, TX 75702
Telephone: (903) 534-1100
Facsimile: (903) 534-1137
efindlay@findlaycraft.com

wlackey@findlaycraft.com

I. Neel Chatterjee
Gabriel M. Ramsey – *LEAD ATTORNEY*
ORRICK, HERRINGTON & SUTCLIFFE, LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: (650) 614-7400
Facsimile: (650) 614-7401
gramsey@orrick.com
nchatterjee@orrick.com

Alyssa M. Caridis
ORRICK, HERRINGTON & SUTCLIFFE, LLP
777 S. Figueroa St.
Suite 3200
Los Angeles, CA 90017
Telephone: (213) 629-2020
Facsimile: (213) 612-2499
acaridis@orrick.com

Christopher J. Higgins
ORRICK, HERRINGTON & SUTCLIFFE, LLP
1152 15th Street, N.W.
Washington, DC 20005-1706
Telephone: (202) 339-8400
Facsimile: (202) 339-8500
chiggins@orrick.com

Attorneys for Defendant Audible Magic, Corp.